

FACSIMILE TRANSMITTAL SHEET

FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP
Suite 3400, Four Embarcadero Center
San Francisco, CA 94111
Phone: (415) 781-1989
Telecopier: (415) 398-3249

TO:

FIRM: U.S. Patent and Trademark Office
NAME: J.W. Ricigliano, Examiner - Group Art Unit: 1627
MATTER: U.S. Application Serial No. 08/873,601
Applicant: NOLAN, et al.
For: COMBINATORIAL ENZYMATIC COMPLEXES

OUR FILE: A-63915/DJB/RMS/BTC

FACSIMILE NO: (703) 308-4426

FROM:

NAME: Judy Wilson for
Brian T. Clarke, Reg. No. 45,552

NUMBER OF PAGES: 14 (Including transmittal sheet)

DATE SENT: November 2, 2000

MESSAGE:

Attached please find the Supplemental Amendment Under 37 C.F.R. § 115 for Serial No. 08/873,601.

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PATENT

Attorney Docket No.: A-63915/DJB/RMS/BTC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Nolan *et al.*

Examiner: J.W. Ricigliano, Ph.D.

Serial No. 08/873,601

Group Art Unit: 1618

Filed: June 12, 1997

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For: *Combinatorial
Enzymatic Complexes*

Date: November 2, 2000

Signed:

Judy Wilson

SUPPLEMENTAL AMENDMENT UNDER 37 C.F.R. § 115

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Applicants and their representative thank the Examiner for the brief phone interview on October 30, 2000. During the interview the second restriction requirement and Applicants' response thereto were discussed. The Applicants had argued that the restriction requirement was not appropriate because the search required for the claims as amended was co-extensive with the search required to examine the originally elected group of claims. In the alternative the Applicants filed and elected new Claim 43, which is identical to originally filed and elected Claim 1. The Examiner disagreed, indicated he is maintaining the restriction and will examine only the newly added Claim 43. The Examiner provided an opportunity to submit additional claims for examination provided the newly added claims are directed to the originally elected subjected matter, *i.e.*, cells (as distinguished from "a library of cells").

Applicants appreciate and accept this opportunity. Applicants have carefully considered the Office Action mailed August 6, 1999 and the Examiner's comments during the above-referenced phone interview. Reconsideration of the claims in light of the amendments and remarks that follow is kindly solicited. Applicants note that the following remarks are substantially the same remarks accompanying the Amendment filed February 7, 1999 (believed to be Paper No. 17 or 18), but have been modified to account for the amendments made by the present amendment. Applicants submit the accompanying remarks

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to ensure that a complete response to the Office Action mailed August 6, 1999 is before the Examiner.

No fees are believed due in connection with the filing of the present Supplemental Amendment. However, if the Commissioner should determine a fee is due or an overpayment has been made, he is authorized to charge any additional fees (including extension fees or other relief which may be required) or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-63915/DJB/RMS/BTC). A copy of this page is enclosed for accounting purposes.